

Tally M. Wiener  
**LAW OFFICES OF TALLY M. WIENER, ESQ.**  
119 West 72nd Street, PMB 350  
New York, NY 10023  
(212) 574-7975 (International)  
(855) COMILAW (US/Canada, Toll-Free)  
(212) 496-4170, Attn: PMB 350 (Facsimile)  
[tally.wiener@thecommi.com](mailto:tally.wiener@thecommi.com)

*Counsel for the Appellant Captain Hani Alsohaibi*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE:	:	<b>Chapter 11</b>
	:	
ARCAPITA BANK B.S.C.(c), <i>et al.</i> ,	:	<b>Case No. 12-11076 (SHL)</b>
	:	
<b>Reorganized Debtors.</b>	:	
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**APPELLANT'S STATEMENT OF ISSUES  
AND DESIGNATION OF RECORD ON APPEAL FROM  
ORDER DENYING APPLICATION FOR RELIEF [DOCKET NO. 2039]  
ENTERED IN THE ABOVE-CAPTIONED CHAPTER 11 PROCEEDINGS  
ON THE 23<sup>RD</sup> DAY OF OCTOBER, 2014**

Captain Hani Alsohaibi by and through his undersigned counsel, the Law Offices of Tally M. Wiener, Esq., respectfully appeals under 28 U.S.C. § 158(a) from the *Order Denying Application for Relief* [Docket No. 2039] entered in the above-captioned chapter 11 proceedings on the 23rd day of October, 2014. In accordance with the requirements of Federal Rule of Bankruptcy Procedure 8006, the Appellant respectfully submits the following statement of issues to be presented, and designation of record items to be included, in the record on appeal in connection with the Notice of Appeal filed by the Appellant on the 6th day of November, 2014.

**STATEMENT OF ISSUES ON APPEAL**

(1) Should the Court's jurisdiction have been limited to violations of Court orders and matters approved by the Court in light of the broad grant of jurisdiction in 28 U.S.C. § 1334?

(2) Should modifications to the Goldman Sachs financing of the Appellees resulting in increased fees to lenders, made at the expense of other parties in interest, have been subjected to Court approval?

(3) Should the Appellees have been compelled to make disclosures including filing post-confirmation reports and keeping their case administration website up to date?

(4) Should the Court's supervision over the issues raised by the Appellant concerning the administration of the estate have been limited in light of Federal Rule of Bankruptcy Procedure 3020(d)'s specification of retained post-confirmation powers?

**DESIGNATION OF RECORD ITEMS FOR APPEAL**

11/6/2014	Docket 2045	No.	Notice of Appeal
10/23/2014	Docket 2039	No.	Order Denying Application for Relief
10/23/2014	Docket 2038	No.	Modified Bench Ruling as to Objection of Captain Hani Alsohaibi
10/9/2014	Docket 2036	No.	Transcript of Original Bench Ruling
9/25/2014	Docket 2023	No.	Reply of Captain Hani Alsohaibi to the Response Filed by the Reorganized Debtors to the Objection of Captain Hani Alsohaibi
9/25/2014	Docket 2021	No.	Notice of Hearing on and Motion for Sanctions Against Tally M. Wiener, Esq., Counsel to Captain Hani Alsohaibi
9/20/2014	Docket 2019	No.	Reorganized Debtors' Response to Objection of Captain Hani Alsohaibi Regarding Waiver of Certain

			Requirements Under Exit Financing and Request for Hearing Concerning Alleged “Administrative Insolvency”
9/8/2014	Docket 2015	No.	Memorandum Endorsed Order Signed on 9/8/2014 Re: Letter Requesting a Conference Filed by Tally M. Wiener on September 8, 2014
8/27/2014	Docket 2009	No.	Notice of Scheduling of Hearing
8/11/2014	Docket 2003	No.	Notice of Rescheduled Hearing
8/8/2014	Docket 2001	No.	Notice of Scheduling of Hearing
7/1/2014	Docket 1979	No.	Objection of Captain Hani Alsohaibi to the Proposed Diversion of Funds by and for the Benefit of the First Islamic Investment Bank B.S.C.(c)/Arcapita Bank B.S.C.(c) Affiliates and Successors and Reservation of Rights and Request for Hearing Concerning the Administrative Solvency/Insolvency of the First Islamic Bank B.S.C.(c)/Arcapita Bank B.S.C.(c) Affiliates and Successors
11/21/2013	Docket 1685	No.	Memorandum of Decision and Order
9/6/2013	Docket 1477	No.	Order Approving Plan Implementation Timeline and Rescheduling Omnibus Hearing
6/26/2013	Docket 1304	No.	Final Order Pursuant to 11 U.S.C. §§ 105, 362, 363(b)(1), 363(m), 364(c)(1), 364(c)(2), 364(c)(3), 364(e), and 552 and Bankruptcy Rules 4001 and 6004 (I) Authorizing Debtors (A) to Enter Into and Perform Under Murabaha Agreement, and (B) to Obtain Credit on a Secured Superpriority Basis, and (III) Granting Related Relief
06/17/2013	Docket 1262	No.	Findings of Fact, Conclusions of Law, and Order Confirming the Second Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors With Respect to Each Debtor Other than Falcon Gas Storage Company, Inc. Under Chapter 11 of the Bankruptcy Code
5/17/2013	Docket 1113	No.	Order Authorizing the Debtors to (A) Enter Into a Financing Commitment Letter and Related Fee Letter to Obtain (I) Replacement DIP Financing and (II) Exit Financing, (B) Incur and Pay Associated Fees and Expenses, and (C) Provide Related Indemnities
4/25/2013	Docket 1038	No.	Second Amended Disclosure Statement in Support of the Second Amended Joint Plan of Reorganization of Arcapita Bank B.S.C.(c) and Related Debtors Under Chapter 11 of the Bankruptcy Code

2/4/2013	Docket 822	No.	Notice of Filings of Amendment to Statement of Financial Affairs for Arcapita Bank B.S.C.(c)
12/10/2012	Docket 699	No.	Debtors' Opposition to Motion of Captain Hani Alsohaibi to Dismiss the Chapter 11 Cases
9/24/2012	Docket 525	No.	Motion to Dismiss Case filed by Hani Alsohaibi
6/8/2012	Docket 213	No.	Statement of Financial Affairs for Arcapita Bank B.S.C.(c)
03/19/2012	Docket 6	No.	Declaration of Henry A. Thompson in Support of the Debtors' Chapter 11 Petitions and First Day Motion and in Accordance with Local Rule 1007-2

Dated: New York, New York  
November 20, 2014

Respectfully submitted on behalf of  
Captain Hani Alsohaibi by:

/s/ Tally M. Wiener  
Tally M. Wiener  
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